

REMARKS/ARGUMENTS

All claims that were originally filed, claims 1 through 12, remain in this Amendment B. Claim 1 is currently amended.

Rejections under 35 U.S.C. §102(e)

In the Office Action mailed 3/4/2004 (before the current RCE), the Examiner maintained his rejection of claim 1 under 35 U.S.C. §102(e) as anticipated by US Patent 6,138,123 issued to Rathbun. The Examiner states that Rathbun discloses the elements of claim 1 as recited. In particular, the Examiner refers to the Applicants' first Amendment and Response, where the Applicants stated that the Rathbun reference does not disclose "a second level having one supernode, the supernode having k number of node groups." The Examiner states that the argument has been fully considered but not found persuasive, in that "Rathbun teaches the second level supernode having k number of nodes" (see figure 33, where "supernode" is illustrated as node A, and k number of node groups illustrated as nodes B and C).

Accordingly, the Applicants have amended independent claim 1 to recite "wherein k is at least 4." Support for this language can be found throughout the specification, for example, page 1, line 17 and Figure 1. Note that not all of the nodes disclosed in the current application have a k of at least 4, but key embodiments of the invention do require this, and so the additional language is an allowable claim element. This constitutes adequate support for the amendment, and thus no new matter is added.

Since Rathburn does not recite any examples wherein k must be at least 4, the Applicants assert that claim 1 as currently recited is patentable in light of Rathburn. Accordingly, the Applicants request that the Examiner withdraw this rejection.

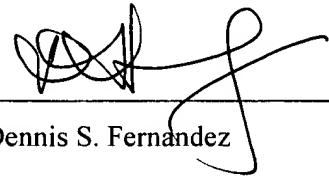


CONCLUSION

The current Preliminary Amendment is filed concurrently with a Request for Continuing Examination (RCE). The requisite fees for that RCE are contained herein. Because the number of independent and total claims remains unchanged with this Preliminary Amendment, the Applicants believe that no additional fee is due.

In view of the above, it is respectfully submitted by Applicants that the claims are in condition for allowance. Allowance of the claims at an early date is solicited.

Respectfully submitted,



Dennis S. Fernandez

Reg. No. 34,160

Date: 5-17-04

Address: **FERNANDEZ & ASSOCIATES LLP**
Patent Attorneys
1047 El Camino Real
Menlo Park, CA 94025

Customer No: **22877**

Phone: (650) 325-4999
Fax: (650) 325-1203
Email: iploft@iploft.com

RECEIVED

MAY 21 2004

Technology Center 2100